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EXPRESS MAIL NO. EV 701 057 323 US  
ATTORNEY DOCKET NO.: 056409-5092-US  
PATENT

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In re Application of:

Paul GAUDRON

Application No.: 10/632,790

Filed: August 4, 2003

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)  
)

Confirmation No.: 5559

Group Art Unit: 3677

Examiner: Katherine W. Mitchell

For: FASTENER FOR USE WITH FRANGIBLE MATERIAL

Mail Stop ISSUE FEE  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

**ISSUE FEE TRANSMITTAL REPLY**

Sir:

In response to the Notice of Allowance and Fee(s) Due mailed from the USPTO on February 1, 2006, enclosed please find Form PTOL-85B entitled "Part B-Fee(s) Transmittal," and a copy thereof. For reasons explained below, please apply payment of the issue and publication fees in the amount of \$1,000 previously paid by the Applicant on January 3, 2006 (copy attached hereto as Exhibit A) towards the fee currently due as shown in the Notice of Allowance dated February 1, 2006. Payment of the issue fee for this application, therefore, has been fully satisfied already. In the event the USPTO does not or cannot credit our previous payment, only then please charge the issue and publication fees currently due of \$1,000, and any additional fees that may be required, to Morgan, Lewis & Bockius LLP Deposit Account No. 50-0310.

Applicant originally received Notice of Allowability from the USPTO bearing a mailing date of October 3, 2005 (copy attached hereto as Exhibit B). However, a Notice of Allowance and Fee(s) Due and Form PTOL-85B entitled "Part B-Fee(s) Transmittal were not enclosed. Applicants contacted the USPTO and informed the Office of the deficiency. We were advised that the missing documents should be forthcoming. Since the missing Notice of Allowance and

Fee(s) Due and Form PTOL-85B were not received within three months from the mailing date of the Notice of Allowability, Applicant prepared its own Form PTOL-85B and prospectively paid the issue fee on January 3, 2006 to avoid possible abandonment of the application (*see* Exhibit A hereto). The current Notice of Allowance and Fee(s) Due and Form PTOL-85B dated February 1, 2006 was subsequently received by the Applicant.


The Office is respectfully requested to contact the undersigned if there are questions related to this matter.

Respectfully submitted,

**MORGAN, LEWIS & BOCKIUS LLP**

Dated: February 21, 2006

By: \_\_\_\_\_

  
Frank J. Spanitz  
Reg. No. 47,104

**CUSTOMER NO. 009629**  
**MORGAN, LEWIS & BOCKIUS LLP**  
1111 Pennsylvania Avenue, N.W.  
Washington, D.C. 20004  
Tel: 202-739-3000  
Fax: 202-739-3001

**PLEASE STAMP AND RETURN TO SHOW RECEIPT OF:**

U.S. Patent Application of: Paul GAUDRON

Application No.: 10/632,790

Date Filed: August 4, 2003

Group Art Unit: 3677

Date Allowed: October 3, 2005

Confirmation No: 5559

For: FASTENER FOR FRANGIBLE MATERIAL

**ATTN: MAIL STOP ISSUE FEE**

1. Deposit Account #50-0310 in the amount of \$1,000.00 (\$700.00 for Issue Fee and \$300.00 for Publication Fee)
2. Issue Fee Transmittal PTOL-85B (2 copies)

Dated: January 3, 2006

Attorney Docket No.: 056409-5092

FEM/FJS/bmr



**DOCKETED**  
By PA Date 1/4/06

## PART B - FEE(S) TRANSMITT

Complete and send this form, together with applicable fee(s), to: **Mail**

**Mail Stop ISSUE FEE**  
**Commissioner for Patents**  
**P.O. Box 1450**  
**Alexandria, Virginia 22313-1450**  
**or Fax (571) 273-2885**

**INSTRUCTIONS:** This form should be used for transmitting the **ISSUE FEE** and **PUBLICATION FEE** (if required). Blocks 1 through 5 should be completed when appropriate. All further correspondence including the Patent, advance orders and notification of maintenance fees will be mailed to the current correspondence address indicated unless corrected below or directed otherwise in Block 1, by (a) specifying a new correspondence address; and/or (b) indicating a separate "FEE ADDRESS" for maintenance fee notifications.

CURRENT CORRESPONDENCE ADDRESS (Note: Use Block 1 for any change of address)

09629

10/3/05

**MORGAN LEWIS & BOCKIUS LLP**  
**1111 PENNSYLVANIA AVENUE NW**  
**WASHINGTON, DC 20004**

Note: A certificate of mailing can only be used for domestic mailings of the Fee(s) Transmittal. This certificate cannot be used for any other accompanying papers. Each additional paper, such as an assignment or formal drawing, must have its own certificate of mailing or transmission.

## Certificate of Mailing or Transmission

I hereby certify that this Fee(s) Transmittal is being deposited with the United States Postal Service with sufficient postage for first class mail in an envelope addressed to the Mail Stop ISSUE FEE address above, or being facsimile transmitted to the USPTO (571) 273-2885, on the date indicated below.

(Depositor's name)

(Signature)

(Date)

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/632,790	08/04/2003	Paul Gaudron	056409-5092	5559
TITLE OF INVENTION: FASTENER FOR FRANGIBLE MATERIAL				

APPLN. TYPE	SMALL ENTITY	ISSUE FEE	PUBLICATION FEE	TOTAL FEE(S) DUE	DATE DUE
Utility	Yes	\$700.00	\$300.00	\$1000.00	1/03/06

EXAMINER	ART UNIT	CLASS-SUBCLASS
Mitchell, Katherine W.	3677	

1. Change of correspondence address or indication of "Fee Address" (37 CFR 1.363).

- ☐ Change of correspondence address (or Change of Correspondence Address form PTO/SB/122) attached.
- ☐ "Fee Address" indication (or "Fee Address" Indication form PTO/SB/47; Rev 03-02 or more recent) attached. Use of a Customer Number is required.

2. For printing on the patent front page, list

- (1) the names of up to 3 registered patent attorneys or agents OR, alternatively,
- (2) the name of a single firm (having as a member a registered attorney or agent) and the names of up to 2 registered patent attorneys or agents. If no name is listed, no name will be printed.

1 MORGAN, LEWIS &  
 2 BOCKIUS LLP  
 3 \_\_\_\_\_

3. ASSIGNEE NAME AND RESIDENCE DATA TO BE PRINTED ON THE PATENT (print or type)

PLEASE NOTE: Unless an assignee is identified below, no assignee data will appear on the patent. If an assignee is identified below, the document has been filed for recordation as set forth in 37 CFR 3.11. Completion of this form is NOT a substitute for filing an assignment.

(A) NAME OF ASSIGNEE

Power Products III, L.L.C.

(B) RESIDENCE: (CITY and STATE OR COUNTRY)

New Rochelle, New York

Please check the appropriate assignee category or categories (will not be printed on the patent): ☐ Individual ☒ Corporation or other private group entity ☐ Government

4a. The following fee(s) are enclosed:

- ☒ Issue Fee
- ☒ Publication Fee (No small entity discount permitted)
- ☐ Advance Order - # of Copies \_\_\_\_\_

4b. Payment of Fee(s):

- ☐ A check in the amount of the fee(s) is enclosed.
- ☐ Payment by credit card. Form PTO-2038 is attached.
- ☒ The Director is hereby authorized by charge the required fee(s), or credit any overpayment, to Deposit Account Number 50-0310 (enclose an extra copy of this form).

5. Change in Entity Status (from status indicated above)

- ☐ a. Applicant claims SMALL ENTITY status. See 37 CFR 1.27. ☐ b. Applicant is no longer claiming SMALL ENTITY status. See 37 CFR 1.27(g)(2).

The Director of the USPTO is requested to apply the Issue Fee and Publication Fee (if any) or to re-apply any previously paid issue fee to the application identified above. NOTE: The Issue Fee and Publication Fee (if required) will not be accepted from anyone other than the applicant; a registered attorney or agent; or the assignee or other party in interest as shown by the records of the United States Patent and Trademark Office.

Authorized Signature

Typed or printed name

Frank J. Spanitz

Date January 3, 2006

Registration No. 47,104

This collection of information is required by 37 CFR 1.311. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting the completed application forms to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, Virginia 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, Virginia 22313-1450.

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

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1 MORGAN, LEWIS &  
2 BOCKIUS LLP  
3

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New Rochelle, New York

Please check the appropriate assignee category or categories (will not be printed on the patent): ☐ Individual ☒ Corporation or other private group entity ☐ Government

## 4a. The following fee(s) are enclosed:

- ☒ Issue Fee
- ☒ Publication Fee (No small entity discount permitted)
- ☐ Advance Order - # of Copies \_\_\_\_\_

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Authorized Signature

Typed or printed name

Frank J. Spanitz

Date January 3, 2006

Registration No. 47,104

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## UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
United States Patent and Trademark Office  
Address: COMMISSIONER FOR PATENTS  
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Alexandria, Virginia 22313-1450  
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/632,790	08/04/2003	Paul Gandron	056409-5092	5559
9629	7590	10/03/2005	EXAMINER	
MORGAN LEWIS & BOCKIUS LLP 1111 PENNSYLVANIA AVENUE NW WASHINGTON, DC 20004			MITCHELL, KATHERINE W	
			ART UNIT	PAPER NUMBER
			3677	

DATE MAILED: 10/03/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Docketed 10/6/05 Attorney FEM/KJS  
Case 56409-5092  
Due Date January 3, 2006  
Action Issue Fee  
By GP Chk \_\_\_\_\_

RECEIVED  
OCT 05 2005  
MORGAN, LEWIS & BOCKIUS LLP

56409-5092  
DOCKETED  
By GP Date 10/6/05

<b>Notice of Allowability</b>	Application No.	Applicant(s)	
	10/632,790	GAUDRON, PAUL	
	Examiner	Art Unit	
	Katherine W. Mitchell	3677	

**- The MAILING DATE of this communication appears on the cover sheet with the correspondence address-**  
 All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to 8/5/2005.
2. ☒ The allowed claim(s) is/are 1-3, 10, 11 and 13-16.
3. ☒ The drawings filed on 04 August 2003 are accepted by the Examiner.
4. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
  - a) ☐ All b) ☐ Some\* c) ☐ None of the:
    1. ☐ Certified copies of the priority documents have been received.
    2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
    3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

\* Certified copies not received: \_\_\_\_\_

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.  
**THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.**

5. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
  6. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
    - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
      - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date \_\_\_\_\_.
    - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date \_\_\_\_\_.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
7. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

#### Attachment(s)

- |   |  |
|---|--|
| 1. <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)   | 5. <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)                                |
| 2. <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                | 6. <input checked="" type="checkbox"/> Interview Summary (PTO-413),<br>Paper No./Mail Date <u>20050826</u> |
| 3. <input type="checkbox"/> Information Disclosure Statements (PTO-1449 or PTO/SB/08),<br>Paper No./Mail Date _____ | 7. <input checked="" type="checkbox"/> Examiner's Amendment/Comment  |
| 4. <input type="checkbox"/> Examiner's Comment Regarding Requirement for Deposit<br>of Biological Material          | 8. <input type="checkbox"/> Examiner's Statement of Reasons for Allowance                                  |
|   | 9. <input type="checkbox"/> Other _____  |

*Katherine Mitchell*  
 AU 3677